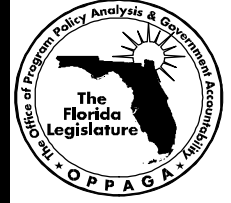




Office of Program Policy Analysis And Government Accountability



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Follow-Up Report on the DNA Database Administered by the Florida Department of Law Enforcement

Report Abstract

Both the Legislature and the Florida Department of Law Enforcement have taken steps to improve the performance of the DNA database. The Legislature amended the law to increase compliance with blood sample submission requirements and increase the types of convicted criminals who must submit samples. The Department has taken steps to increase compliance with DNA sample submission requirements, increase use of the database, and develop performance measures for the database.

Purpose of Review

In accordance with s. 11.45(7)(f), F.S., this follow-up report informs the Legislature of actions taken by the Florida Department of Law Enforcement in response to our Report No. 94-10, which we issued October 24, 1994. This report presents our assessment of the extent to which the Department has addressed the findings and recommendations included in our report.

Background

The DNA database is designed to aid local law enforcement officials in the detection and identification of repeat offenders. Persons convicted of certain offenses are required to submit a blood sample to the Florida Department of Law Enforcement (FDLE) for DNA analysis. The results of the analysis are entered into the DNA database. Subsequently, when a crime occurs where biological evidence (blood, semen, etc.) is recovered, local law enforcement officials send the evidence to a crime lab to be "profiled." This DNA profile can then be sent to

the DNA database to be compared to the database profiles of individuals already identified as known criminals.

Prior Findings

Our prior report found that the DNA database was not receiving samples from all persons required to submit them. Also, the law did not require submission by two groups of persons who are likely to reoffend: persons convicted prior to the law's enactment who are in prison but subject to release, and juvenile offenders. We found that FDLE did not have procedures to prioritize sample analysis to ensure that DNA profiles of persons already in the community or subject to release from prison were in the database. We also noted concerns regarding relatively low use of the database to try to identify suspects. Finally, FDLE had not developed performance measures to gauge program progress.

Current Status

Both the Legislature and FDLE have taken actions we recommended that have resulted in increased compliance with sample submission requirements, some prioritization of sample analysis, and increased use of the database by local law enforcement. FDLE still maintains a backlog of unanalyzed DNA samples but has made progress in trying to ensure analysis of samples from inmates who will soon be released.

As of December 1996, FDLE received approximately 1,200 profiles of "unknown" suspects resulting in 75 "hits" (matched or linked profiles) and the identification of 18 suspects. According to an FBI official, Florida's DNA database has analyzed more samples and produced more hits than any other state.

Actions Taken by the Legislature

To improve the effectiveness of the DNA database, the Legislature enacted several statutory changes to:

- Require the sentencing court to order offenders convicted of certain crimes to submit blood samples.
- Increase the pool of offenders that are required to submit samples to the DNA database. Perpetrators often commit numerous offenses in the commission of a crime and may plea to lesser charges; this addition to the law aids in ensuring that DNA profiles of such persons committing a crime where DNA evidence may be found are included in the database.
- Require convicted persons to reimburse the appropriate agency for the cost of drawing and transmitting the blood samples to FDLE.

Actions Taken by the Florida Department of Law Enforcement

To increase the use of the DNA database, FDLE is taking action to:

- **Educate Responsible Parties.** FDLE has increased its education efforts about the DNA database to solve crimes. An FDLE presentation is now incorporated into the Department of Correction's training curriculum. FDLE has also developed an information packet explaining the purpose and usefulness of the database. Finally, FDLE has developed a list of contacts in each agency that collects samples and agencies that use the DNA database in criminal detection and identification.
- **Monitor Submission of Samples.** The Department of Corrections has developed procedures to identify incarcerated individuals required to submit samples based on their current and prior statutory convictions. Corrections' computer system flags incarcerated persons that must submit samples and indicates when a sample has been drawn.

However, sample submission by probationers still is not adequately monitored. Corrections and FDLE have not finalized a system that provides Corrections with updated information regarding probationers' sample submissions.

- **Identify Individuals Soon to Be Released for Analysis Prioritization.** FDLE has not yet analyzed 70% of the over 39,000 DNA samples received since the database was created. (See Exhibit 1.) Much of this backlog was created by the expanded pool of offenders resulting from changes to the law in 1995. In their fiscal year 1997-98 Legislative Budget Request, FDLE has requested \$470,400 for an outside laboratory to analyze 15,000 of these backlogged samples. It is important that FDLE prioritize the analysis of these samples according to the offender's release date. FDLE and Corrections have not finalized a system to identify the release dates of incarcerated individuals so their blood samples may be analyzed prior to their release. While Corrections staff collects blood samples in order of inmates' release dates, Corrections does not routinely provide release information to FDLE so that these DNA profiles can be entered in the DNA database prior to the inmates' release.

Exhibit 1
Utilization of DNA Database Has Increased

	1990 to 1993	1994	1995	1996	Total
Samples Collected	5,909	2,743	5,700	24,653	39,005
Samples Completed Analyses	3,135	2,106	4,236	2,521	11,998
Backlog	2,774 ¹	3,411	4,874	27,007	27,007

¹Backlog as of December 1993.

Source: Florida Department of Law Enforcement.

- **Develop Performance Measures.** Performance measures such as output, outcome and efficiency measures provide the Legislature, FDLE, and the public with information about program progress. FDLE has developed output and outcome measures for the DNA database for inclusion in the fiscal year 1996-97 Legislative Budget Request.

This project was conducted in accordance with applicable evaluation standards. Copies of this report may be obtained by telephone (904/488-1023 or 800/531-2477), by FAX (904/487-3804), in person (Claude Pepper Building, Room 312, 111 W. Madison St.), or by mail (OPPAGA Report Production, P.O. Box 1735, Tallahassee, FL 32302).

Web site: <http://www.state.fl.us/oppaga/>

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